

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1002 be amended to read as follows:

- 1 Page 3, between lines 15 and 16, begin a new paragraph and insert:
- 2 "SECTION 3. IC 6-1.1-18-12, AS ADDED BY P.L.1-2004,
- 3 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JANUARY 1, 2004 (RETROACTIVE)]: Sec. 12. (a) For purposes of
- 5 this section, "maximum rate" refers to the maximum:
- 6 (1) property tax rate or rates; or
- 7 (2) special benefits tax rate or rates;
- 8 referred to in the statutes listed in subsection (d).
- 9 (b) The maximum rate for taxes first due and payable after 2003 is
- 10 the maximum rate that would have been determined under subsection
- 11 (e) for taxes first due and payable in 2003 if subsection (e) had applied
- 12 for taxes first due and payable in 2003.
- 13 (c) The maximum rate must be adjusted:
- 14 (1) each time an annual adjustment of the assessed value of real
- 15 property takes effect under IC 6-1.1-4-4.5; and
- 16 (2) each time a general reassessment of real property takes effect
- 17 under IC 6-1.1-4-4.
- 18 (d) The statutes to which subsection (a) refers are:
- 19 (1) IC 8-10-5-17;
- 20 (2) IC 8-22-3-11;
- 21 (3) IC 8-22-3-25;
- 22 (4) IC 12-29-1-1;
- 23 (5) IC 12-29-1-2;
- 24 (6) IC 12-29-1-3;

- 1 ~~(7) IC 12-29-2-13;~~
- 2 **(7) IC 12-29-2-1.9;**
- 3 (8) IC 12-29-3-6;
- 4 (9) IC 13-21-3-12;
- 5 (10) IC 13-21-3-15;
- 6 (11) IC 14-27-6-30;
- 7 (12) IC 14-33-7-3;
- 8 (13) IC 14-33-21-5;
- 9 (14) IC 15-1-6-2;
- 10 (15) IC 15-1-8-1;
- 11 (16) IC 15-1-8-2;
- 12 (17) IC 16-20-2-18;
- 13 (18) IC 16-20-4-27;
- 14 (19) IC 16-20-7-2;
- 15 (20) IC 16-23-1-29;
- 16 (21) IC 16-23-3-6;
- 17 (22) IC 16-23-4-2;
- 18 (23) IC 16-23-5-6;
- 19 (24) IC 16-23-7-2;
- 20 (25) IC 16-23-8-2;
- 21 (26) IC 16-23-9-2;
- 22 (27) IC 16-41-15-5;
- 23 (28) IC 16-41-33-4;
- 24 (29) IC 20-5-17.5-2;
- 25 (30) IC 20-5-17.5-3;
- 26 (31) IC 20-5-37-4;
- 27 (32) IC 20-14-7-5.1;
- 28 (33) IC 20-14-7-6;
- 29 (34) IC 20-14-13-12;
- 30 (35) IC 21-1-11-3;
- 31 (36) IC 21-2-17-2;
- 32 (37) IC 23-13-17-1;
- 33 (38) IC 23-14-66-2;
- 34 (39) IC 23-14-67-3;
- 35 (40) IC 36-7-13-4;
- 36 (41) IC 36-7-14-28;
- 37 (42) IC 36-7-15.1-16;
- 38 (43) IC 36-8-19-8.5;
- 39 (44) IC 36-9-6.1-2;
- 40 (45) IC 36-9-17.5-4;
- 41 (46) IC 36-9-27-73;
- 42 (47) IC 36-9-29-31;
- 43 (48) IC 36-9-29.1-15;
- 44 (49) IC 36-10-6-2;
- 45 (50) IC 36-10-7-7;
- 46 (51) IC 36-10-7-8;

1 (52) IC 36-10-7.5-19; and

2 (53) any statute enacted after December 31, 2003, that:

3 (A) establishes a maximum rate for any part of the:

4 (i) property taxes; or

5 (ii) special benefits taxes;

6 imposed by a political subdivision; and

7 (B) does not exempt the maximum rate from the adjustment
8 under this section.

9 (e) The new maximum rate under a statute listed in subsection (d)
10 is the tax rate determined under STEP SEVEN of the following STEPS:

11 STEP ONE: Determine the maximum rate for the political
12 subdivision levying a property tax or special benefits tax under the
13 statute for the year preceding the year in which the annual
14 adjustment or general reassessment takes effect.

15 STEP TWO: Determine the actual percentage increase (rounded
16 to the nearest one-hundredth percent (0.01%)) in the assessed
17 value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the
18 taxable property from the year preceding the year the annual
19 adjustment or general reassessment takes effect to the year that
20 the annual adjustment or general reassessment takes effect.

21 STEP THREE: Determine the three (3) calendar years that
22 immediately precede the ensuing calendar year and in which a
23 statewide general reassessment of real property does not first take
24 effect.

25 STEP FOUR: Compute separately, for each of the calendar years
26 determined in STEP THREE, the actual percentage increase
27 (rounded to the nearest one-hundredth percent (0.01%)) in the
28 assessed value (before the adjustment, if any, under
29 IC 6-1.1-4-4.5) of the taxable property from the preceding year.

30 STEP FIVE: Divide the sum of the three (3) quotients computed
31 in STEP FOUR by three (3).

32 STEP SIX: Determine the greater of the following:

33 (A) Zero (0).

34 (B) The result of the STEP TWO percentage minus the STEP
35 FIVE percentage.

36 STEP SEVEN: Determine the quotient of the STEP ONE tax rate
37 divided by the sum of one (1) plus the STEP SIX percentage
38 increase.

39 (f) The department of local government finance shall compute the
40 maximum rate allowed under subsection (e) and provide the rate to each
41 political subdivision with authority to levy a tax under a statute listed in
42 subsection (d).

43 SECTION 4. IC 6-1.1-18.5-10 IS AMENDED TO READ AS
44 FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: Sec.

45 10. (a) The ad valorem property tax levy limits imposed by section 3 of
46 this chapter do not apply to ad valorem property taxes imposed by a

civil taxing unit to be used to fund:

(1) community mental health centers under ~~IC 12-29-2-1~~
IC 12-29-2-1.6 and IC 12-29-2-2 through IC 12-29-2-6; or

(2) community mental retardation and other developmental
 disabilities centers under IC 12-29-1-1;

to the extent that those property taxes are attributable to any increase in
 the assessed value of the civil taxing unit's taxable property caused by
 a general reassessment of real property that took effect after February
 28, 1979.

(b) For purposes of computing the ad valorem property tax levy
 limits imposed on a civil taxing unit by section 3 of this chapter, the
 civil taxing unit's ad valorem property tax levy for a particular calendar
 year does not include that part of the levy described in subsection (a).

SECTION 5. IC 12-29-1-1 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: Sec.

1. (a) The county executive of a county may authorize the furnishing
 of financial assistance to ~~the following~~:

~~(1) A community mental health center that is located or will be
 located in the county.~~

~~(2) a community mental retardation and other developmental
 disabilities center that is located or will be located in the county.~~

(b) Assistance authorized under this section shall be used for the
 following purposes:

(1) Constructing a center.

(2) Operating a center.

(c) Upon request of the county executive, the county fiscal body
 may appropriate annually from the county's general fund the money to
 provide financial assistance for the purposes described in subsection
 (b). The appropriation may not exceed the amount that could be
 collected from an annual tax levy of not more than three and thirty-three
 hundredths cents (\$0.0333) on each one hundred dollars (\$100) of
 taxable property within the county.

SECTION 6. IC 12-29-1-2 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: Sec.

2. (a) If ~~a community mental health center or~~ a community mental
 retardation and other developmental disabilities center is organized to
 provide services to at least two (2) counties, the county executive of
 each county may authorize the furnishing of financial assistance for the
 purposes described in section 1(b) of this chapter.

(b) Upon the request of the county executive of the county, the
 county fiscal body of each county may appropriate annually from the
 county's general fund the money to provide financial assistance for the
 purposes described in section 1(b) of this chapter. The appropriation of
 each county may not exceed the amount that could be collected from
 an annual tax levy of three and thirty-three hundredths cents (\$0.0333)

on each one hundred dollars (\$100) of taxable property within the county.

SECTION 7. IC 12-29-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: Sec.

3. (a) The county executive of each county whose residents may receive services from ~~a community mental health center or a~~ community mental retardation and other developmental disabilities center may authorize the furnishing of a share of financial assistance for the purposes described in section 1(b) of this chapter if the following conditions are met:

(1) The facilities for the center are located in a state adjacent to Indiana.

(2) The center is organized to provide services to Indiana residents.

(b) Upon the request of the county executive of a county, the county fiscal body of the county may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1(b) of this chapter. The appropriations of the county may not exceed the amount that could be collected from an annual tax levy of three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property within the county.

SECTION 8. IC 12-29-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: Sec.

4. (a) Bonds of a county may be issued for the construction and equipment or the improvement of a building to house ~~the following~~:

~~(1) A community mental health center.~~

~~(2)~~ a community mental retardation and other developmental disabilities center.

(b) If services are provided to at least two (2) counties:

(1) bonds of the counties involved may be issued to pay the proportionate cost of the project in the proportion determined and agreed upon by the fiscal bodies of the counties involved; or

(2) bonds of one (1) county may be issued and the remaining counties may annually appropriate to the county issuing the bonds amounts to be applied to the payment of the bonds and interest on the bonds in the proportion agreed upon by the county fiscal bodies of the counties involved.

SECTION 9. IC 12-29-1-7, AS AMENDED BY P.L.215-2001, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: Sec. 7. (a) On the first Monday in October, the county auditor shall certify to:

~~(1) the division of mental health and addiction; for a community mental health center;~~

~~(2)~~ (1) the division of disability, aging, and rehabilitative services, for a community mental retardation and other developmental disabilities center; and

~~(3)~~ **(2)** the president of the board of directors of each center;
the amount of money that will be provided to the center under this chapter.

(b) The county payment to the center shall be paid by the county treasurer to the treasurer of each center's board of directors in the following manner:

(1) One-half (1/2) of the county payment to the center shall be made on the second Monday in July.

(2) One-half (1/2) of the county payment to the center shall be made on the second Monday in December.

~~A county making a payment under this subsection or from other county sources to a community mental health center that qualifies as a community mental health center disproportionate share provider under IC 12-15-16-1 shall certify that the payment represents expenditures eligible for financial participation under 42 U.S.C. 1396b(w)(6)(A) and 42 CFR 433.51. The office shall assist a county in making this certification.~~

(c) Payments by the county fiscal body

~~(1) must be in the amounts:~~

~~(A) determined by IC 12-29-2-1 through IC 12-29-2-6; and~~

~~(B) authorized by section 1 of this chapter; and~~

~~(2) are in place of grants from agencies supported within the county solely by county tax money.~~

SECTION 10. IC 12-29-2-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: **Sec. 1.2. (a) The county executive of a county may authorize the furnishing of financial assistance to a community mental health center that is located or will be located:**

(1) in the county;

(2) anywhere in Indiana, if the community mental health center is organized to provide services to at least two (2) counties, including the county executive's county; or

(3) in an adjacent state, if the center is organized to provide services to Indiana residents, including residents in the county executive's county.

(b) Assistance authorized under this section shall be used for the following purposes:

(1) Constructing a community mental health center.

(2) Operating a community mental health center.

SECTION 11. IC 12-29-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: **Sec. 1.5. (a) This section applies to a county other than Marion County.**

(b) Upon request of the county executive, the county fiscal body may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1.2(b) of this chapter. If a community mental health center is organized to serve more than one (1) county, upon request of the county executive, each county fiscal body may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1.2(b) of this chapter.

(c) The appropriation from a county other than Marion County under subsection (b) may not exceed the following:

(1) For 2004, the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the amount that would have been raised by an annual tax rate of three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property within the county in 2002.

STEP TWO: Multiply the STEP ONE result by the county's assessed value growth quotient for the ensuing year 2003, as determined under IC 6-1.1-18.5-2.

STEP THREE: Multiply the STEP TWO result by the county's assessed value growth quotient for the ensuing year 2004, as determined under IC 6-1.1-18.5-2.

(2) For 2005 and each year thereafter, the result equal to:

(A) the maximum amount determined under this section for the calendar year immediately preceding the ensuing calendar year; multiplied by

(B) the county's assessed value growth quotient for the ensuing calendar year, as determined under IC 6-1.1-18.5-2.

SECTION 12. IC 12-29-2-1.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: **Sec. 1.6. (a) This section applies to a county other than Marion County.**

(b) A county shall fund the operation of community mental health centers in the amount determined under subsection (c) unless a lower tax rate will be adequate to fulfill the county's financial obligations under this chapter in any of the following situations:

(1) If the total population of the county is served by one (1) center.

(2) If the total population of the county is served by more than one (1) center.

(3) If the partial population of the county is served by one (1) center.

(4) If the partial population of the county is served by more than one (1) center.

(c) The amount to be used in subsection (b) is the following:

(1) For 2004, the amount is the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the amount that would have been raised by an annual tax rate of one and thirty-three hundredths cents (\$0.0133) on each one hundred dollars (\$100) of taxable property within the county in 2002.

STEP TWO: Multiply the STEP ONE result by the county's assessed value growth quotient for the ensuing year 2003, as determined under IC 6-1.1-18.5-2.

STEP THREE: Multiply the STEP TWO result by the county's assessed value growth quotient for the ensuing year 2004, as determined under IC 6-1.1-18.5-2.

(2) For 2005 and each year thereafter, the result equal to:

(A) the maximum amount determined under this section for the calendar year immediately preceding the ensuing calendar year; multiplied by

(B) the county's assessed value growth quotient for the ensuing calendar year, as determined under IC 6-1.1-18.5-2.

SECTION 13. IC 12-29-2-1.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: **Sec. 1.9. (a) This section applies only to Marion County.**

(b) Upon request of the county executive, the county fiscal body may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1.2(b) of this chapter. If a community mental health center is organized to serve more than one (1) county, upon request of the county executive, each county fiscal body may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1.2(b) of this chapter.

(c) The appropriation from Marion County under subsection (b) may not exceed the amount that could be collected from an annual tax levy of not more than three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property within the county.

SECTION 14. IC 12-29-2-2, AS AMENDED BY P.L.1-2004,

SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: Sec. 2. (a) **This section applies only to Marion County.**

(b) Subject to ~~subsections (b),~~ **subsection (c), and (d),** a county shall fund the operation of community mental health centers in an amount not less than the amount that would be raised by an annual tax rate of one and thirty-three hundredths cents (\$0.0133) on each one hundred dollars (\$100) of taxable property within the county, unless a lower tax rate will be adequate to fulfill the county's financial obligations under this chapter in any of the following situations:

- (1) If the total population of the county is served by one (1) center.
- (2) If the total population of the county is served by more than one (1) center.
- (3) If the partial population of the county is served by one (1) center.
- (4) If the partial population of the county is served by more than one (1) center.

~~(b) This subsection applies only to a property tax that is imposed in a county containing a consolidated city.~~ (c) The tax rate permitted under subsection ~~(a)~~ **(b)** for taxes first due and payable after 1995 is the tax rate permitted under subsection ~~(a)~~ **(b)** as adjusted under this subsection. For each year in which an annual adjustment of the assessed value of real property will take effect under IC 6-1.1-4-4.5 or a general reassessment of property will take effect, the department of local government finance shall compute the maximum rate permitted under subsection (a) as follows:

STEP ONE: Determine the maximum rate for the year preceding the year in which the annual adjustment or general reassessment takes effect.

STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment is effective.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first become effective.

STEP FOUR: Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of:

(A) the STEP ONE tax rate; divided by

(B) one (1) plus the STEP SIX percentage increase.

This maximum rate is the maximum rate under this section until a new maximum rate is computed under this subsection for the next year in which an annual adjustment under IC 6-1.1-4-4.5 or a general reassessment of property will take effect.

(c) With respect to a county to which subsection (b) does not apply, the maximum tax rate permitted under subsection (a) for taxes first due and payable in calendar year 2004 and calendar year 2005 is the maximum tax rate that would have been determined under subsection (d) for taxes first due and payable in 2003 if subsection (d) had applied to the county for taxes first due and payable in 2003.

(d) This subsection applies only to a county to which subsection (b) does not apply. The tax rate permitted under subsection (a) for taxes first due and payable after calendar year 2005 is the tax rate permitted under subsection (c) as adjusted under this subsection. For each year in which an annual adjustment of the assessed value of real property will take effect under IC 6-1.1-4-4.5 or a general reassessment of property will take effect, the department of local government finance shall compute the maximum rate permitted under subsection (a) as follows:

STEP ONE: Determine the maximum rate for the year preceding the year in which the annual adjustment or general reassessment takes effect.

STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment is effective.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first become effective.

STEP FOUR: Compute separately, for each of the calendar years determined under STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed under STEP FOUR by three (3):

STEP SIX: Determine the greater of the following:

(A) Zero (0):

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage:

STEP SEVEN: Determine the quotient of:

(A) the STEP ONE tax rate; divided by

(B) one (1) plus the STEP SIX percentage increase:

This maximum rate is the maximum rate under this section until a new maximum rate is computed under this subsection for the next year in which an annual adjustment under IC 6-1.1-4-4.5 or a general reassessment of property will take effect.

SECTION 15. IC 12-29-2-3, AS AMENDED BY P.L.79-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: Sec. 3. In situations described in section ~~2(a)(1)~~ **1.6(b)(1)**, **1.6(b)(3)**, **2(b)(1)**, or ~~2(a)(3)~~ **2(b)(3)** of this chapter, the county's maximum appropriation for part of the total operating budget of the center is determined as follows:

STEP ONE: Divide the total county population by the population of the county residing in the primary service area of the community mental health center that is certified by the division of mental health and addiction to serve the county.

STEP TWO: Multiply the amount determined in STEP ONE by the total operating budget of the center after the operating budget of the center is reduced by the following anticipated amounts:

(A) Gifts, except bequests.

(B) Merchandise.

(C) Fees.

(D) Federal grants for direct service, except research and demonstration grants.

SECTION 16. IC 12-29-2-4, AS AMENDED BY P.L.79-2002, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: Sec. 4. (a) Except as provided in subsection (b), in situations described in section ~~2(a)(2)~~ **1.6(b)(2)**, **1.6(b)(4)**, **2(b)(2)**, or ~~2(a)(4)~~ **2(b)(4)** of this chapter, the county's maximum appropriation for part of the total operating budget of the centers is determined in the same manner as in situations described in section ~~2(a)(1)~~ **1.6(b)(1)**, **1.6(b)(3)**, **2(b)(1)**, or ~~2(a)(3)~~ **2(b)(3)** of this chapter.

(b) The amount derived from the calculation under subsection (a) represents the combined maximum appropriation to all centers serving the particular county. Except for ~~a~~ **Marion** County, ~~containing a consolidated city~~, the allotment to each center shall be determined in the following manner:

(1) To determine the allotment to each center serving the total population of the county under the situation described in section ~~2(a)(2)~~ **1.6(b)(2) or 2(b)(2)** of this chapter, the amount actually appropriated shall be apportioned according to the proportion of the county's population residing in the primary service area of each center, which is certified by the division of mental health and addiction to serve the county, to the total population of the county.

(2) To determine the allotment to each center in the situation described in section ~~2(a)(4)~~ **1.6(b)(4) or 2(b)(4)** of this chapter, the amount actually appropriated shall be apportioned according to the proportion of the county's population residing in the primary service area of each center, which is certified by the division of mental health and addiction to serve the county, to the population of the county served by all centers.

SECTION 17. IC 12-29-2-5, AS AMENDED BY P.L.1-2004, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: Sec. 5. (a) The maximum appropriation determined under section 3 or 4 of this chapter represents the county's absolute proportional share of each center's total operating budget.

(b) If the proportional share is less than the amount of property taxes raised under the tax rate required under section **1.6 or 2** of this chapter, the county shall appropriate only the maximum appropriation amount.

(c) If the proportional share is more than the amount of property taxes raised under the tax rate required under section **1.6 or 2** of this chapter, the county

~~(1)~~ shall appropriate that amount ~~and~~

~~(2) may appropriate an additional amount up to an amount that would equal the amount of property taxes raised by a tax rate of three and one-third cents (\$0.03 1/3); allowed under section 1.5 or 1.9 of this chapter for that county.~~

SECTION 18. IC 12-29-2-13, AS AMENDED BY P.L.215-2001, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: Sec. 13. (a) This section applies to ~~a Lake County. having a population of not less than four hundred thousand (\$400,000) but not more than seven hundred thousand (\$700,000).~~

(b) In addition to any other appropriation under this article, a county annually may fund each center serving the county from the county's general fund in an amount not exceeding the **following**:

(1) For 2004, the amount is the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the amount that would be raised by a tax rate of one cent (\$0.01) on each one hundred dollars

1 (\$100) of taxable property within the county in 2002.

2 **STEP TWO: Multiply the STEP ONE result by the county's**
 3 **assessed value growth quotient for the ensuing year 2003,**
 4 **as determined under IC 6-1.1-18.5-2.**

5 **STEP THREE: Multiply the STEP TWO result by the**
 6 **county's assessed value growth quotient for the ensuing**
 7 **year 2004, as determined under IC 6-1.1-18.5-2.**

8 **(2) For 2005 and each year thereafter, the result equal to:**

9 **(A) the maximum amount determined under this section**
 10 **for the calendar year immediately preceding the ensuing**
 11 **calendar year; multiplied by**

12 **(B) the county's assessed value growth quotient for the**
 13 **ensuing calendar year, as determined under**
 14 **IC 6-1.1-18.5-2.**

15 (c) The receipts from the tax levied under this section shall be used
 16 for the leasing, purchasing, constructing, or operating of community
 17 residential facilities for the chronically mentally ill (as defined in
 18 IC 12-7-2-167).

19 (d) Money appropriated under this section must be:

20 (1) budgeted under IC 6-1.1-17; and

21 (2) included in the center's budget submitted to the division of
 22 mental health and addiction.

23 (e) Permission for a levy increase in excess of the levy limitations
 24 may be ordered under IC 6-1.1-18.5-15 only if the levy increase is
 25 approved by the division of mental health and addiction for a
 26 community mental health center.

27 SECTION 19. IC 12-29-2-17 IS ADDED TO THE INDIANACODE
 28 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
 29 JANUARY 1, 2004 (RETROACTIVE)]: **Sec. 17. (a) Bonds of a county**
 30 **may be issued for the construction and equipment or the**
 31 **improvement of a building to house a community mental health**
 32 **center.**

33 **(b) If services are provided to at least two (2) counties:**

34 **(1) bonds of the counties involved may be issued to pay the**
 35 **proportionate cost of the project in the proportion**
 36 **determined and agreed upon by the fiscal bodies of the**
 37 **counties involved; or**

38 **(2) bonds of one (1) county may be issued and the remaining**
 39 **counties may annually appropriate to the county issuing the**
 40 **bonds amounts to be applied to the payment of the bonds and**
 41 **interest on the bonds in the proportion agreed upon by the**
 42 **county fiscal bodies of the counties involved.**

43 SECTION 20. IC 12-29-2-18 IS ADDED TO THE INDIANACODE
 44 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE

JANUARY 1, 2004 (RETROACTIVE)]: **Sec. 18. All general Indiana statutes relating to the following apply to the issuance of county bonds under this chapter:**

- (1) The filing of a petition requesting the issuance of bonds.
- (2) The giving of notice of the following:
 - (A) The filing of the petition requesting the issuance of the bonds.
 - (B) The determination to issue bonds.
 - (C) A hearing on the appropriation of the proceeds of the bonds.
- (3) The right of taxpayers to appear and be heard on the proposed appropriation.
- (4) The approval of the appropriation by the department of local government finance.
- (5) The right of taxpayers to remonstrate against the issuance of bonds.

SECTION 21. IC 12-29-2-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: **Sec. 19. If bonds are issued under this chapter:**

- (1) the building that is constructed, equipped, or improved with proceeds of the bonds is:
 - (A) the property of the county issuing the bonds; or
 - (B) the joint property of the counties involved if the bonds are issued by at least two (2) counties; and
- (2) the tax limitations in this chapter do not apply to the levy of taxes to pay the bonds and the interest on the bonds.

SECTION 22. IC 12-29-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: **Sec. 20. (a) On the first Monday in October, the county auditor shall certify to:**

- (1) the division of mental health and addiction, for a community mental health center; and
- (2) the president of the board of directors of each community mental health center;

the amount of money that will be provided to the community mental health center under this chapter.

(b) The county payment to the community mental health center shall be paid by the county treasurer to the treasurer of each community mental health center's board of directors in the following manner:

- (1) One-half (1/2) of the county payment to the community mental health center shall be made on the second Monday in

1 **July.**

2 **(2) One-half (1/2) of the county payment to the community**
 3 **mental health center shall be made on the second Monday in**
 4 **December.**

5 **(c) A county making a payment under this subsection or from**
 6 **other county sources to a community mental health center that**
 7 **qualifies as a community mental health center disproportionate**
 8 **share provider under IC 12-15-16-1 shall certify that the payment**
 9 **represents expenditures eligible for financial participation under**
 10 **42 U.S.C. 1396b(w)(6)(A) and 42 CFR 433.51. The office shall**
 11 **assist a county in making the certification.**

12 **(d) Payments by the county fiscal body:**

13 **(1) must be in the amounts:**

14 **(A) determined by section 1.6 of this chapter and sections**
 15 **2 through 5 of this chapter; and**

16 **(B) authorized by sections 1.5, 1.9, and 13 of this chapter;**
 17 **and**

18 **(2) are in place of grants from agencies supported within the**
 19 **county solely by county tax money.**

20 **SECTION 23. IC 12-29-2-6 IS REPEALED [EFFECTIVE**
 21 **JANUARY 1, 2004 (RETROACTIVE)].**

22 **SECTION 24. [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]**

23 **(a) IC 12-29-1 and IC 12-29-2, both as amended by this act, apply**
 24 **to property taxes first due and payable after December 31, 2003.**

25 **(b) If the department of local government finance determines**
 26 **that compliance with this act would cause an unreasonable delay**
 27 **in the certification of budgets, tax rates, and tax levies in a**
 28 **county, the department of local government finance may certify**
 29 **budgets, tax rates, and tax levies for the county under**
 30 **IC 6-1.1-18-12, IC 12-29-1, and IC 12-29-2 as if this act had not**
 31 **been passed. However, if the department of local government**
 32 **finance takes this action, the affected county and the department**
 33 **of local government finance shall provide for an additional**
 34 **shortfall property tax levy and an additional budgeted amount in**
 35 **2005 to replace the revenue lost in 2004 to community mental**
 36 **health centers as a result of certifying budgets, tax rates, and tax**
 37 **levies for the county under IC 6-1.1-18-12, IC 12-29-1, and**
 38 **IC 12-29-2 as if this act had not been passed.**

39 **(c) The amount of the shortfall levy under subsection (b) shall**
 40 **be treated as an addition to the amount allowed in 2005 under**
 41 **IC 12-29-2, as amended by this act. The ad valorem property tax**
 42 **levy limits imposed by IC 12-29-2, as amended by this act, do not**
 43 **apply to ad valorem property taxes imposed under subsection (b).**

1 **For purposes of computing the ad valorem property tax levy limit**
2 **imposed under IC 12-29-2, as amended by this act, for property**
3 **taxes first due and payable in 2006, the ad valorem property tax**
4 **levy imposed under IC 12-29-2, as added by this act, does not**
5 **include the part of the levy imposed under subsection (b)."**

6 Renumber all SECTIONS consecutively.

(Reference is to HB 1002 as printed January 13, 2004.)

Representative Klinker